

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THOMAS CANTY,

Plaintiff,

-against-

CHRISTINE MCCORMICK DAY, et al.,

Defendants.

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TAMMY M. FEDERMAN,

Plaintiff,

-against-

CHRISTINE MCCORMICK DAY, et al.,

Defendants.

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USDC SDNY

DOCUMENT

ELECTRONICALLY FILED 4/25/2014

13 **CIVIL** 5629 (KBF)

JUDGMENT

13 **CIVIL** 5977 (KBF)

JUDGMENT

Whereas Defendants having moved to dismiss pursuant to Rule 23.1 on January 31, 2014, (Doc. # 21 in case number 13-cv-5629, and Doc. # 22 in case number 13-cv-5977), and the matter having come before the Honorable Katherine B. Forrest, United States District Judge, and the Court, thereafter, having issued its Opinion & Order (Doc. # 50) granting Defendants' motions to dismiss, dismissing these actions without prejudice, and directing the Clerk of Court to close both actions, it is:

ORDERED, ADJUDGED AND DECREED: that for the reasons stated in the Court's Opinion & Order, dated April 9, 2014, defendants' motion to dismiss the Amended Complaint pursuant to Rule 23.1 is GRANTED, because plaintiffs have failed to adequately allege particularized facts showing demand on lululemon's Board of Directors was excused. The Court thus DISMISSES the complaint without prejudice, in the event plaintiffs seek to pursue these claims after making a demand on the Board; and the pending motions to intervene by the Laborers' District

Council Construction Industry Pension Fund and the Hallandale Beach Police Officers and Firefighters' Personnel Retirement Fund are DENIED as moot; accordingly, these cases are closed.

DATED: New York, New York
April 25, 2014

RUBY J. KRAJICK

BY:

Clerk of Court



Deputy Clerk